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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/371,781	08/10/1999	CRAIG A. WILL	03384.0348	9650

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/371,781

Applicant(s)

WILL, CRAIG A.

Examiner

Thjuan P Knowlin

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 are objected to because of the following informalities: In claim 1, Applicant discloses the limitation of "electronic memory means." However, in claims 10 and 12-21, Applicant refers to the above limitation as "electronic means", "memory", or "electronic memory". The terms used to describe the limitations of the dependent claims, must be consistent with the terms used to describe the limitation of the independent claim. Appropriate correction is required.
2. Claims 27 and 33 are objected to because of the following informalities: In claims 10-11, 13, 22-24, and 28-30, Applicant refers to the limitation as a "personal directory." However, in claims 27 and 33, it is referred to as a "directory". Examiner believes that Applicant also meant for this feature to also be considered a "personal" directory. Appropriate correction is required.

Allowable Subject Matter

3. Claims 10, 11, 13, 22, 23, 24, 28, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections – 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-2, 6, 8-13, 17, 19, 20-36, 38-39, and 41-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Goedken (US 6,393,423).
6. In regards to claims 1, 2, 9, 10, 11, 12, 13, 22, 23, 24, 27, 29, 30, 33, Goedken discloses a method for real-time communication among two or more individuals separated in space ("chat room"), comprising the steps of: determining that a first individual is likely to be interested in communicating with a second individual via a first communication link; retrieving information via the first communications link about one or more additional individuals from electronic memory means associated with the second individual ("directory of potential participants"); and establishing communication with at least one of the additional individuals ("private room") based on the retrieved information (col. 2-3 lines 58-2).
7. In regards to claims 6, 8, 17, 19, 38, 39, and 42, Goedken discloses the method, wherein the communication established between the first and second individuals comprises exchanges or text messages (col. 2-3 lines 64-2).
8. In regards to claims 34, 35, 36, 41, 43, 44, and 45, Goedken discloses a collaborative conferencing system comprising: a large virtual space room; a display for displaying in real-time a representation of only those persons in the virtual space room who have been defined as likely to be interesting; and means for establishing communications with the persons in the virtual space room (col. 2-3 lines 58-2).

9. In regards to claim 12, Goedken discloses the method, wherein the information in the memory is obtained by observing previous communications between the second individual and one of the individuals in the memory (col. 17-18 lines 62-12).

10. In regards to claims 20, 21, 25, 26, 28, 31, and 32, Goedken discloses the method, wherein from observing previous communications between the second individual and one of the individuals in the memory, the frequency with which the second individual communicates with the individuals in the memory is determined and the individuals are sorted in the memory according to the frequency of communication (col. 14 lines 43-67 and col. 17-18 lines 62-12).

Claim Rejections - 35 USC § 103

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goedken (US 6,393,423).

13. Goedken discloses all of claims 7 and 18 limitations except the method, wherein the first and second individuals communicate via real-time video. However, it is well known in the art to use real-time video (e.g. webcam) as a way of communicating. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the method with real-time video (e.g. webcam). People may prefer real-time video over text or voice communication.

Claim Rejections - 35 USC § 103

14. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

15. Claims 3, 4, 5, 14, 15, 16, 37, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goedken (US 6,393,423), and further in view of Leipow (US 6,148,067).

16. Goedken discloses all of claims 3, 4, 14, 15, and 37 limitations except the method, wherein the communication established between the first and second individuals is by real-time telephony. Leipow, however, discloses the method, wherein the communication established between the first and second individuals is by real-time telephony (Fig. 1 and col. 2-3 lines 64-5). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention, to employ the method with real-time telephony, as a way of allowing parties engaged in on-line "chat" rooms, to communicate with each other via the telephone network using telephone stations. Again, people may prefer speaking with someone instead of "chatting" in an Internet chat room.

17. Claims 5, 16, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goedken (US 6,393,423), Leipow (US 6,148,067), and further in view of Herz (US 6,029,195).

18. Goedken and Leipow disclose all of claims 5, 16, and 40 limitations except the method, wherein the communications established between the first and second individuals comprises exchanges of voice mail messages. Herz, however, discloses the

method, wherein the communications established between the first and second individuals comprises exchanges of voice mail messages (col. 80 lines 4-17 and col. 81 lines 14-25). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the method with exchanges of voice mail messages, as a way of allowing users to communicate with each other through the use of voice mail messages, which may be preferred over text messages.

Response to Arguments

19. Applicant's arguments filed Dec. 11, 2002 have been fully considered but they are not persuasive. Applicant states that Goedken does not disclose retrieving information about one or more individuals from electronic memory means associated with the second individual, as recited in claim 1. Examiner, respectfully, disagrees with this argument. The second individual, of claim 1, could read on an organizer of the real-time communication. Claim 1, states that the electronic memory means is **associated** with the second individual, therefore, the electronic memory means does not have to be located at the organizer. It could be located within the network (e.g. Internet) itself. Applicant refers to the specification, which discloses a "personal directory" which is associated with the second individual. However, "a personal directory" is not disclosed in claim 1. Applicant states that Goedken does not disclose a display for displaying in real-time a representation of only those persons in the virtual space room who have defined as likely to be interesting, as cited in claim 34, or a display for displaying in real-time a representation of persons from the virtual space room, as cited in claim 41.

Examiner, respectfully, disagrees with this argument. Goedken does disclose a display for displaying in real-time a representation of only those persons in the virtual space room who have defined as likely to be interesting (Fig. 10 and col. 2-3 lines 58-2), as cited in claim 34, and a display for displaying in real-time a representation of persons from the virtual space room (Fig. 10 and col. 2-3 lines 58-2), as cited in claim 41.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone numbers


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for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

24. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Thjuan P. Knowlin
April 18, 2003


AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700